

Amendment under 37 C.F.R. § 1.111  
U.S. Application No. 10/822,664

### **REMARKS**

Claims 3-6 have been examined and have been rejected under 35 U.S.C. § 112, second paragraph. Further, claims 3 and 5 have been rejected under 35 U.S.C. § 102(b), and claims 4 and 6 have been rejected under 35 U.S.C. § 103(a).

### **Preliminary Matters**

The Examiner has not acknowledged the drawings filed on April 13, 2004. Accordingly, Applicant respectfully requests the Examiner to indicate, in the next Office Action, whether such drawings are acceptable.

### **Rejections under 35 U.S.C. § 112, second paragraph**

The Examiner has rejected claims 3-6 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Accordingly, Applicant has amended claims 3-6 in a manner believed to overcome the rejection.

### **Rejections under 35 U.S.C. § 102(b)**

The Examiner has rejected claims 3 and 5 under 35 U.S.C. § 102(b) as allegedly being anticipated by EP 09/24702 to Morita et al. ("Morita").

**A. Claim 3**

Claim 3 recites that an end part of a spring member, in an opening direction side of the spring member, is supported at a higher position than an end part of the spring member in a shutting direction side of the spring member. Further, the end part of the spring member, in the opening direction side, is supported in the lower half of the cartridge case.

The Examiner maintains that Figures 24A-24D of Morita disclose the claimed spring member. However, as shown in Figs. 24A-24C, the end part of the spring 16, in the opening direction side, is positioned or supported by the *upper* half 1a of the cartridge case. Further, Fig. 24D appears to show the end of the spring 16, in the opening direction side, as being wound around itself, and thus, not supported in the lower half of the cartridge case as recited in claim 3.

In addition, referring to Morita, ends of the spring 16, on the opening direction side and the shutting direction side, are respectively supported by an upper half 1a and a lower half 1b of a cartridge case. Accordingly, in assembling the magnetic tape cartridge, it is difficult to assemble and automate a product line since it is required to attach both ends of the spring member respectively to the upper half 1a and the lower half 1b of the cartridge case at the same time as putting the upper half and the lower half together.

In view of the above, Applicant submits that claim 3 is not anticipated by Morita, and thus, respectfully requests the Examiner to reconsider and withdraw the rejection.

**B. Claim 5**

Since claim 5 is dependent upon claim 3, Applicant submits that claim 5 is patentable at least by virtue of its dependency.

**Rejections under 35 U.S.C. § 103(a)**

The Examiner has rejected claims 4 and 6 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Morita in view of JP 11-265560 to Miyazaki et al. ("Miyazaki").

Since claims 4 and 6 are dependent upon claim 3, and Miyazaki fails to cure the deficient teachings of Morita, in regard to claim 3, Applicant submits that claims 4 and 6 are patentable at least by virtue of their dependency.

**Newly Added Claims**

Applicant has added claims 11-16 to provide more varied protection of the present invention. Applicant submits that claims 11-16 are patentable at least by virtue of their dependency upon claim 3.

Further, regarding claims 15 and 16, Applicant submits that contrary to the claimed recitations, the two spring arms Morita and Miyazaki are equal in length as shown in Fig. 24A-24D of Morita and Fig. 1 of Miyazaki.


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**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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